

Bond No. CGB7593716

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

INDYMAC BANK, F.S.B.,

Plaintiff(s)

vs.

NATIONAL SETTLEMENT AGENCY, INC.;  
STEVEN M. LEFF; RACHEL M. LEFF; RICHARD  
A. LEFF; JOHN DOES 1-100,

Defendant(s)

**UNDERTAKING ON  
TEMPORARY ~~RESTRAINING~~  
RESTRAINING ORDER BOND**

INDEX No: 07 cv 6865 (LTS)

WHEREAS, the Plaintiff(s) INDYMAC BANK, F.S.B.,  
above named is/are about to apply or has/have applied for a Temporary ~~Restraint~~ <sup>Restraint</sup> in the above entitled action, restraining the  
Defendant(s) ~~Restraint~~ <sup>Order</sup>  
from doing certain things more fully described in  
the Order to Show Cause dated August 6, 2007.

NOW, THEREFORE, the Fidelity and Deposit Company of Maryland, having an office and principal place of  
business for the State of New York at  
105 East 17th Street, New York, NY, 10003

does hereby, pursuant to the Statute in such case made and provided, undertake that the Plaintiff(s) will pay to the Defendant(s)

National Settlement Agency, Inc.; Steven M. Leff; Rachel M. Leff; Richard A. Leff; John Does 1-100,

so enjoined, such damages and costs not exceeding the sum of Ten Thousand and Zero Cents

Dollars (\$ 10,000 ), as National Settlement Agency, Inc.; Steven M. Leff; Rachel M. Leff; Richard A. Leff;  
<sup>TRO</sup> John Does 1-100  
may sustain by reason of the ~~injunction~~ <sup>injunction</sup>, if the Court shall finally decide that the Plaintiff(s) is/are not entitled thereto; such damages  
and costs to be ascertained by a reference, or otherwise as the Court shall direct.

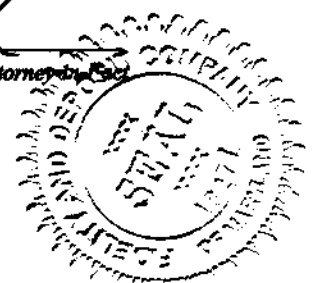
Dated 08/06/2007

Fidelity and Deposit Company of Maryland

By Leurdes Scheel, Attorney in Fact

CGB25501NY1099f

Approved  
8/6/07  
S. Michael M. Martin  
CML  
3  
2  
8/6/07



**ACKNOWLEDGMENT OF PRINCIPAL - IF A CORPORATION**

STATE OF NEW YORK }  
COUNTY OF } ss

On this .....day of ....., before me personally appeared  
.....to be known, who, being by me duly sworn, did depose and  
say; that he/she resides at....., that he/she is the .....  
President of .....the corporation described in and which  
executed the within insurance instrument; that he/she knows the seal of said corporation; that the seal affixed  
to said instrument is such corporate seal; that it was so affixed by the Board of Directors of said corporation;  
and that he/she signed his/her name thereto by like order.

**ACKNOWLEDGMENT OF PRINCIPAL - IF INDIVIDUAL OR FIRM**

STATE OF NEW YORK }  
COUNTY OF } ss

On this .....day of ....., before me personally appeared  
.....to me know to be (the individual) (one of the firm  
of.....), described in and who executed the within instrument and he/she  
thereupon acknowledged to me that he/she executed the same (as the act and deed of said firm).

**ACKNOWLEDGMENT OF SURETY COMPANY**

STATE OF New York }  
COUNTY OF New York } ss

On this 6th day of August, 2007, before me personally came Lourdes Scheel  
to me known, who, being by me duly sworn, did depose and say; that he/she resides in  
New York; that he/she is the Attorney-in-Fact of the  
Fidelity and Deposit Company of Maryland the corporation described in which  
executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to said  
instrument is such corporate seal; that it was so affixed by the Board of Directors of said corporation; and that  
he/she signed his/her name thereto by like order; and the affiant did further depose and say that the  
Superintendent of Insurance of the State of New York, has, pursuant to Section 1111 of the Insurance Law of  
the State of New York, issued to Fidelity and Deposit Company of Maryland his/her  
certificate of qualification evidencing the qualification of said Company and its sufficiency under any law of the  
State of New York as surety and guarantor, and the propriety of accepting and approving it as such; and that  
such certificate has not been revoked.

ZAKIR WAHAB  
Notary Public, State of New York  
No. 01WA6137722  
Qualified in Queens County  
Commission Expires Dec. 5, 2009

  
Notary Public

Bond Number: CGB7593716

**Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

**HOME OFFICE: 3910 KESWICK ROAD, BALTIMORE, MD 21211**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by Frank E. Martin, Jr., Vice President and Gerald F. Haley, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the last page hereof and are hereby adopted in full force and effect on the date hereof, does hereby constitute and appoint Indymac Bank, N.A. its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and in its behalf as surety, and as its authorized deed, a bond or undertaking number CGB7593716, issued on behalf of INDYMAC BANK, N.A., as Principal in a penalty not to exceed the sum of Twelve Thousand and Zero (\$ 12,000). The execution of such bond or undertaking in pursuance of the presents, shall be binding upon said company, as fully and amply for all intents and purposes, as if the same had been executed and acknowledged by the regularly selected officers of the Company at its office in Baltimore, MD, in their own proper persons.

The said Assistant Secretary does hereby certify that the entire contents of the last page hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in full force and effect.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND this 06th day of August, A.D. 2007.

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gerald F. Haley*  
Gerald F. Haley      Assistant Secretary

By: *Frank E. Martin Jr.*  
Frank E. Martin, Jr.      Vice President

State of Maryland }  
County of Baltimore } ss:

On this 6th day of August, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came Frank E. Martin, Jr., Vice President, and Gerald F. Haley, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Stephen G. Moxley*  
Stephen G. Moxley      Notary Public  
My Commission Expires:      November 1, 2007

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute for the Company any bonds, undertakings, recognizances, policies, contracts, agreements, releases and assignments, decrees, mortgages and instruments in the name of the Company, and to affix the seal of the Company thereto."

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on this day of August, 2007; and I do further certify that the Vice-President who executed the said Power of Attorney was specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 5th day of May, 1994.

**RESOLVED:** "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 6th day of August, 2007.



L.L. Goucher

Assistant Secretary





# FIDELITY AND DEPOSIT COMPANY

OF MARYLAND

3910 KESWICK ROAD, BALTIMORE, MD 21203

Statement of Financial Condition  
As Of December 31, 2006

## ASSETS

Bonds .....	\$ 150,563,710
Stocks .....	39,367,826
Cash and Short Term Investments .....	38,939,878
Reinsurance Recoverable .....	8,689,760
Other Accounts Receivable .....	25,762,432
<b>TOTAL ADMITTED ASSETS .....</b>	<b>\$ 263,243,635</b>

## LIABILITIES, SURPLUS AND OTHER FUNDS

Reserve for Taxes and Expenses .....	\$ 625,622
Ceded Reinsurance Premiums Payable .....	32,539,586
Securities Lending Collateral Liability .....	35,329,342
<b>TOTAL LIABILITIES .....</b>	<b>\$ 68,494,550</b>
Capital Stock, Paid Up .....	\$ 5,000,000
Surplus .....	189,756,260
Surplus as regards Policyholders .....	194,756,260
<b>TOTAL .....</b>	<b>\$ 263,243,635</b>

Securities carried at \$33,209,464 in the above statement are deposited as required by law.

Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2006 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$261,193,375 and surplus as regards policyholders \$192,706,000.

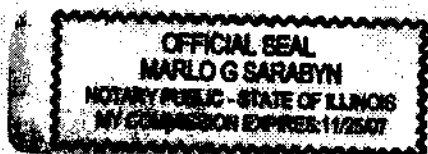
I, DAVID A. BOWERS, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2006.

Corporate Secretary

State of Illinois }  
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 20th day of March, 2007.

Notary Public





**STATE OF NEW YORK**  
**INSURANCE DEPARTMENT**

It is hereby certified that

**Fidelity & Deposit Company of Maryland**  
**of Baltimore, Maryland**

a corporation organized under the laws of the State of Maryland and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guaranties and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of \$197,255,272.00 (Capital \$5,000,000.00) as is shown by its sworn financial statement for the year ended March 31, 2007 on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.



In Witness Whereof, I have here-  
unto set my hand and affixed the  
official seal of this Department  
at the City of Albany, this 18th  
day of July, 2007.

**Eric R. Dinallo**  
**Superintendent of Insurance**

By

**Salvatore Castiglione**  
**Special Deputy Superintendent**